



Illinois Religious Freedom & Civil Union Act

As previously announced, on January 31, 2011, Gov. Pat Quinn signed IL SB 1716, Religious Freedom and Civil Union Act, into law. The new law defines a civil union as a legal relationship between two persons of the same or opposite sex. The law is effective June 1, 2011.

Overview of the law and its intent:

- Parties to a civil union are entitled to the same legal obligations, responsibilities, protections, and benefits afforded by Illinois law to spouses.
- An application, license and certification are required for a civil union; thus, the applicable parties would have to apply for such documentation before entering into a civil union. The process may be initiated at any county in the State of Illinois.
- A dissolution or declaration of invalidity will be required should a civil union dissolve. It would be subject to Section 401 thru 413 of the Illinois Marriage and Dissolution of Marriage Act, even if one or both parties of the union cease to reside in the state.
- Reciprocity is recognized within the law; therefore, any marriage between individuals of the same sex, civil union, or a substantially similar legal relationship that was entered into legally, in other states will be recognized in Illinois.
- Common law marriage is not recognized within the law.
- Prohibited civil unions:
 - Both parties of the civil union are not 18 years of age.
 - A civil union is entered into before a marriage, civil union, or other legal relationship is dissolved.
 - Parties of the civil union are family members, as defined by the law.

Humana Policies and Procedures:

- Applicable to fully insured business only and ERISA self-insured business (Administrative Services Only) would be exempt.
- Applies to individual, small business, and large group policies.
- Humana member(s) can enroll their dependents of a civil union, should there be a qualifying event or it is the employer's group open enrollment period. New business groups effective June 1, 2011, can enroll dependents of a civil union.
- Members who reside in Illinois, but the group's master contact is located outside of the state, may enter into a civil union provided it is in agreement with the provisions set forth in the law.

If you should have a question, please feel free to contact your Humana Sales Representative or your Humana General Agency.

Frequently Asked Questions regarding Illinois SB 1716

1. Will there be a special enrollment period for individuals to enroll on or after 6/1/2011?

No. SB 1716 does not mandate a special enrollment period; however, if there is a qualifying event or the group's open enrollment period, the member may enroll dependents under IL SB 1716. For civil union partnerships granted after 6/1/2011, civil union partners will be allowed to enroll as of the effective date of their civil union.

2. Will a state-issued civil union certificate be required to enroll?

The parties entering into the civil union will need to apply for the appropriate documentation set forth in the law; however, Humana will not require the documentation to enroll a civil union partner. Humana reserves the right to request such documentation, should it be necessary.

3. Will there be different eligibility requirements for civil union partners?

If the individual meets eligibility definitions as defined in SB 1716 and the coverage certificate, they will be eligible to enroll.

4. If an employee is already in a domestic partner relationship, are they automatically recognized as a civil union?

No. The employee would have to be "legally recognized" as indicated in the law.

5. Do self-funded employers have to offer coverage to civil union partners?

SB 1716 applies to fully-insured clients only and does not apply to ERISA self-funded or ASO clients.

6. If an employer is situated in another state, do they have to offer coverage to civil union partners of their employees that reside in the state of Illinois?

When residing in Illinois, civil union partners must be afforded the rights as outlined in SB 1716, regardless of where the client is situated.

7. Are there tax implications that result from this law?

Individuals should consult with their legal counsel and/or tax professional for tax advice.

8. Can an employee pay for a civil union dependent's health care expenses through their HSA or FSA?

HSA and FSA accounts are subject to IRS rules and regulations regardless of state law; therefore, individuals should contact their legal counsel and/or tax professional for assistance.